

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : HARPER, et al.
FOR : **RANDOM SAMPLING AS A BUILT-IN
FUNCTION FOR DATABASE
ADMINISTRATION AND REPLICATION**
SERIAL NO. : 09/897,803
FILED : July 2, 2001
EXAMINER : Chongshan Chen
ART UNIT : 2172
CONFIRMATION NO. : 2493
LAST OFFICE ACTION : October 6, 2004
ATTORNEY DOCKET NO. : STL92000104US1

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 CFR 1.321(b))**

MAIL STOP AF
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Disclaimer

The owner, International Business Machines Corporation, of 100 percent interest in the instant application, hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of **United States Patent Application Serial No. 09/897,853, filed July 2, 2001** and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to **United States Patent Application Serial No. 09/897,853, filed July 2, 2001**, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of **United States Patent Application Serial No. 09/897,853, filed July 2, 2001**, as presently shortened by

03/15/2005 WHEREEDIT 00000001 090460 09897803

- 2 -

any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer except for the separation of legal title stated above.

The fee has been paid previously.

Authorization to charge Deposit Account No. 09-0460 in the amount of \$130.00 for the fee is hereby granted.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP

BY:

Michael E. Hudzinski
Michael E. Hudzinski
Reg. No. 34,185
Attorney or Agent of Record
1100 Superior Ave., 7th Fl.
Cleveland, OH 44114
(216) 861-5582

N:\BMA\200002\bjb0002767V001.doc

CERTIFICATE OF MAILING

I certify that this Terminal Disclaimer and accompanying document(s) are being

☐ deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☒ transmitted to facsimile number (703) 872-9306 under 37 C.F.R. 1.8 on the date indicated below.

☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Mail Stop AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature <i>Barbara Brazier</i>
Date January 19, 2005	Printed Name Barbara Brazier